

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SECOND AMENDMENT FOUNDATION,
et al.,

Plaintiffs,

v.

BUREAU OF ALCOHOL, TOBACCO,
FIREARMS, AND EXPLOSIVES, *et al.*,

Defendants.

No. 3:21-cv-0116-B

JOINT STATUS REPORT

Pursuant to the Court's order of June 28, 2022, the parties respectfully submit the following status report.

On May 21, 2021, defendants (with plaintiffs' consent) moved to stay proceedings in this matter in light of the President's announcement that the United States Department of Justice would be issuing "a proposed rule to make clear when a device marketed as a stabilizing brace effectively turns a pistol into a short-barreled rifle subject to the requirements of the National Firearms Act." ECF No. 24. The Court granted the motion on May 24, 2021, and held all further proceedings in abeyance. ECF No. 25.

On June 10, 2021, defendants published in the Federal Register a proposed rule on "Factoring Criteria for Firearms With Attached 'Stabilizing Braces,'" 86 Fed. Reg. 30,826 (June 10, 2021). The proposed rule provided for a 90-day public comment period, during which the agency received 211,564 comments. The agency has since processed all of those comments and is presently in the process of drafting the final rule, including preparing responses to comments and engaging in other deliberative activities. The agency currently expects to publish a final rule in December 2022.

Accordingly, in the interest of judicial economy and conservation of party resources, the parties have conferred and agree that proceedings in this matter should continue to be held in abeyance. The parties respectfully request that they be permitted to file an additional joint status report on or before December 28, 2022, indicating whether this matter should remain stayed. In the event that the parties are of the view that the stay should be lifted, they will include in the joint status report a proposed schedule for continuing this litigation.

Dated: September 26, 2022

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

LESLEY FARBY
Assistant Branch Director

/s/ Jody D. Lowenstein
JODY D. LOWENSTEIN
Mont. Bar No. 55816869
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street NW
Washington, DC 20005
Phone: (202) 598-9280
Email: jody.d.lowenstein@usdoj.gov

Attorneys for Defendants

CHAD FLORES
Beck Redden LLP
1221 McKinney Street
Suite 4500
Houston, Texas 77010
(713) 951-3700

/s/ Matthew Goldstein
MATTHEW GOLDSTEIN (admitted pro hac vice)
Clark Hill PLC
1001 Pennsylvania Ave NW, Suite 1300 South
Washington, DC 20004
Tel: 202.772.0917
Fax: 202.552.2371

Email: mgoldstein@clarkhill.com

Attorneys for Plaintiffs

CERTIFICATE OF CONFERENCE

The parties conferred about the relief requested herein and are in agreement about it.

/s/ Jody D. Lowenstein
JODY D. LOWENSTEIN
Trial Attorney
U.S. Department of Justice

CERTIFICATE OF SERVICE

On September 26, 2022, I electronically submitted the foregoing document with the Clerk of Court for the U.S. District Court, Northern District of Texas, using the Court's electronic case filing system. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Jody D. Lowenstein
JODY D. LOWENSTEIN
Trial Attorney
U.S. Department of Justice